

रजिस्टर्ड नं० पी०एस० एम० 14.



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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 8 मई, 1987/18 वैशाख, 1909

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचनाएं

शिमला-2, 8 मई, 1987

क्रमांक एल० एल० आर० (डी०) (6) 3/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 8 मई, 1987 को अनुमोदित हिमाचल

955-राजपत्र/87-8-5-87—1,275.

(763)

मूल्य: 20 पैसे।

प्रदेश पंचायती राज (अमैण्डमेंट) विधेयक, 1987 (1987 का विधेयक संख्यांक 3) को वर्ष 1987 के हिमाचल प्रदेश अधिनियम संख्यांक 13 के रूप में हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं ।

आदेश द्वारा,
कुलदीप चन्द सूद,
सचिव ।

Act No. 13 of 1987.

THE HIMACHAL PRADESH PANCHAYATI RAJ (AMENDMENT)

ACT, 1987

(AS ASSENTED TO BY THE GOVERNOR ON 8TH MAY, 1987)

AN

ACT

further to amend the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Panchayati Raj (Amendment) Act, 1987.

Short title
and com-
mencement.

(2) It shall come into force at once.

19 of 1970 2. For the existing section 4 of the Himachal Pradesh Panchayati Raj Act, 1968 (hereinafter called the principal Act) the following section 4 shall be substituted, namely:—

Substitution
of section 4.

“4. (1) The Government may, by notification or otherwise, declare any village or group of contiguous villages with a population of not less than one thousand and not more than five thousand to constitute one or more Sabha areas:

Provided that neither the whole nor any part of an area comprised in a municipal corporation, a municipal committee, a notified area committee or a cantonment board shall be included in a Sabha area:

Provided further that the Government may, in any particular case, relax these limits.

(2) The Government may, by notification or otherwise, include any area in, or exclude any area from, the Sabha area.

(3) If the whole of the Sabha area is included in a municipal corporation, a municipal committee, a notified area committee or a cantonment board, the Sabha shall cease to exist and its assets and liabilities shall be disposed of in the manner prescribed.”

3. Notwithstanding anything contained in section 2 of this Act, such Sabha areas which were constituted under the principal Act and were in existence immediately before the commencement of this Act shall continue to be validly constituted till these Sabha areas are reconstituted, within a period of three years from the commencement of this Act, by the State Government in accordance with the provisions of sub-section (1) of section 4 of the principal Act as amended by section 2 of this Act.

Continuance
of certain
Gram
Sabhas.

Amendment
of section 9.

4. In clause (h) of sub-section (5) of section 9 of the principal Act, for the words, brackets and figures "the Punjab Habitual Offenders (Control and Reforms) Act, 1952 as in force in the transferred territory", the words, brackets and figures "the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970)" shall be substituted.

Substitution
of section
10.

5. For the existing section 10 of the principal Act, the following new section 10 shall be substituted, namely:—

"10. (1) Before entering upon the duties of their office, the Panches shall take an oath in the form specified in Schedule I.

(2) The Pradhan, Up-Pradhan and Panches shall hold office for a period of five years unless any one of them ceases to be as such on account of removal or resignation earlier:

Provided that wherever it is expedient to do so in public interest, the said period of 5 years may be extended by the State Government by a period not exceeding six months at a time, but not beyond a total period of two years:

Provided further that an outgoing Panch shall, unless the Government otherwise directs, continue to hold his office until the election of his successor is notified:

Provided further that the Government may, for holding the elections to the Gram Panchayats simultaneously throughout the State, order, by notification in the Official Gazette, general elections to the Gram Panchayats before the expiry of their prescribed term.

(3) The Gram Sabha may remove the Pradhan or Up-Pradhan from his office by a majority of two-thirds of the members of Gram Sabha present and voting at its general meeting and the quorum of such meeting shall be two-thirds of the total number of its members:

Provided that such vote of no-confidence shall not be maintainable within one year of the date of his or her election to such office and any subsequent vote of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence.

(4) Every Panch or servant of a Gram Panchayat, constituted under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code."

Substitution
of section
14.

6. For section 14 of the principal Act, the following section 14, along with its heading, shall be substituted, namely:—

"14. Maintenance of panchayat records etc.—The Secretary of the Gram Panchayat, under the overall supervision of the Pradhan, and in his absence under the supervision of the Up-Pradhan, shall be responsible for the custody and maintenance of all prescribed records and registers and other property belonging to or vested in the Gram Sabha or the Gram Panchayat."

7. For the existing section 15 of the principal Act, the following section 15 shall be substituted, namely:—

Substitution
of section
15.

“15. (1) There shall be a Secretary for a Gram Panchayat or a group of Gram Panchayats who shall be appointed by the Director:

Provided that any person appointed as a Secretary of any Gram Panchayat or a group of Gram Panchayats before the commencement of this Act shall be deemed to have been appointed by the Director.

(2) The remuneration, allowances and other matters relating to the service conditions of Panchayat Secretaries shall be such as may be determined by the Government from time to time.

(3) It shall be the duty of the Secretary to assist the Pradhan or the Up-Pradhan of the Gram Panchayat, as the case may be, in the discharge of their functions under this Act or under any other law for the time being in force.”

8. In sub-section (1) of section 54 of the principal Act, for the words “order him to hand over the records, money or any property of such body to the persons authorised in this behalf”, the words “in case he is in possession of any records, money or any property of such body, order him to hand over such records, money or property to the Panchayat Secretary” shall be substituted.

Amendment
of section
54.

9. For the existing section 63 of the principal Act, the following section 63 shall be substituted, namely:—

Substitution
of section
63.

“The Panchayat Samiti shall consist of the following members:—

(a) primary members—

(i) all Pradhans of Gram Panchayat in the Block; and

(ii) two members representing the co-operative societies within the jurisdiction of Panchayat Samiti to be elected in the manner prescribed, by the members of such societies from amongst themselves;

(b) co-opted members—to be co-opted in accordance with the provisions of section 74, comprising—

(i) two women out of Panches from the Block, if no woman is a primary member under clause (a); provided that if only one woman is a primary member, one more woman shall be co-opted;

(ii) four persons out of Panches from the Block belonging to Scheduled Castes, if no such person is a primary member under clause (a); provided that if only one, two or three persons belonging to Scheduled Castes become primary members under clause (a), then three, two or one such person, as the case may be, shall be co-opted;

(c) associate member—every elected member of the Himachal Pradesh Legislative Assembly representing the constituency of which the Block as a whole or any part thereof forms part, shall be an associate member;

(d) *ex-officio* member—the Sub-Divisional Officer having jurisdiction in the Block shall be an *ex-officio* member:

Provided that an associate member or *ex-officio* member shall not be entitled to vote at, but shall have the right to speak in

and otherwise take part in the proceedings of any meeting of the Panchayat Samiti or its committees."

Amendment
of section
64.

10. In section 64 of the principal Act—

- (a) for the words "for election as", the words "to be a" shall be substituted;
- (b) in clause (j) after the words "membership of", the words and sign "Municipal Corporation," shall be inserted; and
- (c) for clause (k) the following clause shall be substituted, namely:—
"(k) is otherwise disqualified for being a member; or".

Substitution
of section
66.

11. For the existing section 66 of the principal Act, the following section 66 shall be substituted, namely:—

"66. **Term of office of members.**—Subject to the provisions of this Act, the term of office of primary or co-opted members, other than a member co-opted to fill a casual vacancy, shall be five years:

Provided that wherever it is expedient to do so in public interest, the said period of five years may be extended by the State Government by a period not exceeding six months at a time, but not beyond a total period of two years."

Substitution
of section
68.

12. For the existing section 68 of the principal Act, the following new section 68 shall be substituted, namely:—

"68. (1) The names of the primary and co-opted members and of the elected Chairman or Vice-Chairman of a Panchayat Samiti shall be notified by the Deputy Commissioner concerned in the Official Gazette and no such member, Chairman or Vice-Chairman shall enter upon his duties until his name has been so notified.

(2) Notwithstanding anything contained in the Indian Oaths Act, 1873, no member, other than an associate or an *ex-officio* member, and the Chairman or the Vice-Chairman of the Panchayat Samiti shall enter upon his office, until he has, in the manner prescribed, taken oath or made affirmation of his allegiance in the form specified in Schedule I as a member or as the Chairman or Vice-Chairman, as the case may be.

(3) If any such person refuses to take or make such oath or affirmation, except on account of such disability for which permission of the Deputy Commissioner is obtained, his co-option or election, as the case may be, shall be deemed to be invalid and a fresh co-option or election shall take place.

(4) No person whose co-option or election has been deemed to be invalid under this section shall be eligible for co-option as a member or for election as the Chairman or Vice-Chairman of any Panchayat Samiti for a period of two years from the date on which he ought to have taken or made such oath or affirmation."

10 of 1873

Substitution
of section
69.

13. For the existing section 69 of the principal Act, the following section 69 shall be substituted, namely:—

"69. (1) A co-opted member may resign his office by notifying in writing his intention to do so to the Chairman of the Panchayat Samiti:

Provided that where the notice of the resignation is not delivered personally to the Chairman, the Chairman shall obtain confirmation from the person concerned as to its genuineness.

- (2) A resignation confirmed as aforesaid or delivered personally shall take effect on and from the date on which the notice was received."

14. For section 70 of the principal Act, the following section 70 shall be substituted, namely:—

Amendment of section 70.

"70. (1) When the office of a member becomes vacant by resignation, death or otherwise, the said office shall be filled up in the manner provided in section 63.

- (2) A person who fills a casual vacancy, under sub-section (1), shall hold office for the un-expired period of the term of the person in whose place he becomes a member."

15. Sections 71 and 72 of the principal Act shall be omitted.

Omission of sections 71 and 72.

16. For clause (c) of sub-section (1) of section 73 of the principal Act, the following clause (c) shall be substituted, namely:—

Amendment of section 73.

"(c) he ceases to be a Panch in case of a co-opted member and a Pradhan of the Gram Panchayat or a member of co-operative society which he represents in case of a primary member."

17. For section 74 of the principal Act the following section 74 shall be substituted, namely:—

Substitution of section 74.

"74. (1) The Deputy Commissioner concerned, or any Gazetted Officer appointed by him in this behalf, shall, as soon as possible after the oath is taken under section 10 by the Pradhans, the Up-Pradhans and the Panches in the Block, and after publication of election of the members under para (ii) of clause (a) of section 63, call under his presidentship a meeting of all the primary members in the manner prescribed for the purpose of oath or affirmation of allegiance as provided under section 68 and for co-opting members in the prescribed manner under clause (b) of section 63.

- (2) The primary members and co-opted members of a Panchayat Samiti shall, in the prescribed manner, elect one of its members to be the Chairman and another member to be the Vice-Chairman of the Panchayat Samiti.

- (3) The election under sub-section (2) shall, during the term of each Panchayat Samiti, be held by secret ballot twice, firstly in its meeting convened under sub-section (1) and secondly within a period of one month of the expiry of a period of two and a half years of the date on which the election is notified under sub-section (1) of section 68."

18. For section 75 of the principal Act, the following section 75 shall be substituted, namely:—

Substitution of section 75.

"75. (1) The term of office of the Chairman and of the Vice-Chairman of a Panchayat Samiti elected in a meeting referred to in sub-section (3) of section 74 shall be two and a half years:

Provided that if the Government, under section 10, orders general elections to Gram Panchayats before the expiry of their prescribed term, the Chairman or Vice-Chairman shall also cease to hold office :

Provided further that an outgoing Chairman or Vice-Chairman shall, unless the Government otherwise directs, continue to hold office until the election of his successor is notified:

Provided further that the Chairman or Vice-Chairman shall cease to be the Chairman or Vice-Chairman if he ceases to be a member of a Panchayat Samiti or if, by a resolution passed by a majority vote, the Panchayat Samiti decides at a meeting convened in the manner prescribed that he shall vacate his office ; in such a case Panchayat Samiti shall elect a new Chairman or Vice-Chairman, as the case may be, in the same manner as prescribed under section 74:

Provided further that such vote of no-confidence shall not be maintainable within one year of the date of his or her election to such office and any subsequent vote of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence:

Provided further that the person so elected either under this section or under section 76 or under section 77 shall hold office for the unexpired term of the person in whose place he is elected as the Chairman or the Vice-Chairman, as the case may be.

(2) An outgoing Chairman or Vice-Chairman shall be re-eligible for election if otherwise qualified."

Amendment
of section
79.

19. In section 79 of the principal Act, for the words "six times", the words "four times", and for the words "two months", the words "three months" shall be substituted.

Amendment
of section
114.

20. For clause (c) of sub-section (1) of section 114 of the principal Act, the following clause (c) shall be substituted, namely:—

"(c) standing committee for education, social welfare, public health and sanitation (including rural water supply), cottage industries, co-operatives and housing; and for programmes, e.g. integrated rural development programme, national rural employment programme and rural landless employment guarantee programme."

Amendment
of section
139.

21. In sub-section (3) of section 139 of the principal Act—

(i) for clause (a), the following clause (a) shall be substituted namely:—

"(a) two representatives of every such Panchayat Samiti, which comprises of more than 40 Gram Panchayats and one representative of every such Panchayat Samiti, which comprises of 40 or less than 40 Gram Panchayats, to be elected in the manner prescribed by a secret ballot by the Panchayat Samiti; and"

(ii) for clause (d), the following clause (d) shall be substituted, namely:—

“(d) every member of the Rajya Sabha who is recorded as a voter in the voters’ list of that district for the Himachal Pradesh Legislative Assembly.”

22. In sub-section (1) of section 142 of the principal Act,—

Amendment
of section
142.

- (a) in the existing first proviso, for the words “Provided that”, the words “Provided further that” shall be substituted; and
- (b) before the proviso so amended, the following proviso shall be inserted, namely:—

“Provided that wherever expedient to do so in public interest the said period of five years may be extended by the State Government by a period not exceeding six months at a time, but not beyond a total period of two years.”

23. For the existing section 187 of the principal Act, the following section 187 shall be substituted namely:—

Substitution
of section
187.

“187. (1) Any person who is a voter for the election of a member, Chairman and Vice-Chairman of a Zila Parishad or for the election of the Vice-Chairman or Chairman of a Panchayat Samiti may, on furnishing the prescribed security and on such other conditions, as may be prescribed, within twenty days of the date of announcement of the result of an election, present to the prescribed authority, an election petition in writing, against the election of any person as a member, Vice-Chairman or Chairman of the Zila Parishad or as the Vice-Chairman or Chairman of the Panchayat Samiti concerned.

(2) The prescribed authority may—

- (a) if it finds, after such enquiry as it may deem necessary, that failure of justice has occurred, set aside the said election and a fresh election shall thereupon be held;
- (b) if it finds that the petition is false, frivolous, or vexatious, dismiss the petition and order the security to be forfeited to the Panchayat Samiti or Zila Parishad concerned, as the case may be.

(3) Except as provided in this chapter, the election of a member, the Vice-Chairman or the Chairman of a Zila Parishad or the Vice-Chairman or the Chairman of a Panchayat Samiti or a Pradhan or an Up-Pradhan of a Gram Panchayat shall not be called in question before any authority or in any court of law.”

24. For the sign “.” occurring at the end of section 193 of the principal Act, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

Amendment
of section
193.

“Provided that if the office of the Chairman becomes vacant by reason of his resignation, death, recall or removal, the Vice-Chairman shall be paid, during the period the office of the Chairman

remains vacant, honorarium and other allowances for discharging the duties and functions of the Chairman."

Insertion of
section 206-
A.

25. After section 206 of the principal Act, the following new section 206-A shall be inserted, namely:—

"206-A. Application for transfer of cases from one Gram Panchayat to another Gram Panchayat.—(1) Notwithstanding anything to the contrary contained in this chapter, if in any criminal case or civil or revenue suit before a Gram Panchayat any party intimates, at any stage before the pronouncement of the final order or decree, that it intends to put up an application under this section to the Judicial Magistrate or the Sub-Judge or the Collector, as the case may be, for transfer of the case or suit, the Gram Panchayat shall direct the applicant to make such application within a reasonable time to be fixed by the Gram Panchayat, which shall not be less than fifteen days and adjourn the case or suit for such period as will afford sufficient time for the application to be put up and an order to be obtained thereon:

Provided that nothing herein contained shall require the Gram Panchayat to adjourn the case or suit upon a second or subsequent intimation from the same party.

(2) The Judicial Magistrate or the Sub-Judge or the Collector, as the case may be, may, upon such application, for reasons to be recorded in writing, transfer the case or suit to another Gram Panchayat within his jurisdiction which shall try or hear the case or suit, as the case may be."

शिमला-2, 8 मई, 1987

क्रमांक एन० एल० आर० (डी) (6) 7/87-लैजिस्लेशन.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 8 मई, 1987 को अनुमोदित हिमाचल प्रदेश लैजिस्लेटिव असेम्बली (असोसिएट एंड पेंशन आफ मैम्बरज) (असैण्डमेंट) विधेयक, 1987 (1987 का विधेयक संख्यांक 11) को वर्ष 1987 के हिमाचल प्रदेश संख्यांक 12 के रूप में हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,
कुलदीप चन्द सूद,
सचिव।

शिमला-2, 8 मई, 1987

क्रमांक एल0 एल0 आर0 (डी) (6) 6/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 8 मई, 1987 को अनुमोदित पंजाब, अग्रक्रय (हिमाचल प्रदेश निरसन) विधेयक, 1987 (1987 का विधेयक सं0 7) को वर्ष 1987 के हिमाचल प्रदेश अधिनियम संख्यांक 9 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके प्राधिकृत पाठ में हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,
कुलदीप चन्द सूद,
सचिव।

1987 का विधेयक संख्यांक 9.

पंजाब अग्रक्रय (हिमाचल प्रदेश निरसन) अधिनियम, 1987

राज्यपाल महोदय द्वारा तारीख 8 मई, 1987 को यथा अनुमोदित

हिमाचल प्रदेश राज्य में यथा लागू दि पंजाब प्री-एम्पशन ऐक्ट, 1913 (1913 का 1) का निरसन करने के लिए—

अधिनियम 1

भारत गणराज्य के अठ्तीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. (1) इस अधिनियम का संक्षिप्त नाम पंजाब अग्रक्रय (हिमाचल प्रदेश निरसन) अधिनियम, 1987 है । संक्षिप्त नाम और प्रारम्भ ।

(2) यह तुरन्त प्रवृत्त होगा ।

2. पंजाब अग्रक्रय (हिमाचल प्रदेश निरसन) अधिनियम, 1987 के प्रारम्भ की तारीख की ओर से कोई भी न्यायालय अग्रक्रय के लिए किसी वाद में डिक्री पारित नहीं करेगा । अग्रक्रय बाह में डिक्री पारित करना वर्जित ।

1966 का 31 और पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए राज्य क्षेत्रों में यथा प्रवृत्त दि पंजाब प्री-एम्पशन ऐक्ट, 1913 एतद्वारा निरसित किया जाता है : 1966 का 31 और पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए राज्य क्षेत्रों में यथा प्रवृत्त दि पंजाब प्री-एम्पशन ऐक्ट, 1913 एतद्वारा निरसित किया जाता है : निरसन और व्यावृत्तियां ।

परन्तु ऐसा निरसन निम्नलिखित को प्रभावित नहीं करेगा—

(क) कोई डिक्री जो इस प्रकार निरसित अधिनियम के अधीन पारित की गई है और अंतिम हो गई है;

(ख) इस प्रकार निरसित अधिनियम के अधीन किए गए निक्षेप या दी गई प्रतिभूति के प्रतिदाय के लिए कोई दावा; या

(ग) इस प्रकार निरसित अधिनियम के अधीन लागत के उन्मोचन के लिए उपगत कोई व्यय ।

[Authorised English text of the Punjab Agra-Kraya (Himachal Pradesh Nirsan) Adhiniyam, 1987 (1987 ka Adhiniyam Sankhyank 9) as required under Clause (3) of Article 348 of the Constitution of India].

Act No. 9 of 1987.

THE PUNJAB PRE-EMPTION (HIMACHAL PRADESH REPEALING) ACT, 1987

(AS ASSENTED TO BY THE GOVERNOR ON 8TH MAY, 1987)

AN

ACT

to repeal the Punjab Pre-emption Act, 1913 (Act No. 1 of 1913) in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Punjab Pre-emption (Himachal Pradesh Repealing) Act, 1987.

(2) It shall come into force at once.

Bar to pass
decree in
suit for pre-
emption.

2. On and from the date of commencement of the Punjab Pre-emption (Himachal Pradesh Repealing) Act, 1987, no court shall pass a decree in any suit for pre-emption.

Repeal and
savings.

3. The Punjab Pre-emption Act, 1913, as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

Provided that such repeal shall not affect—

- (a) any decree which has been passed under the Act so repealed and has become final;
- (b) any claim for the refund of the deposit made or a security furnished under the Act so repealed: or
- (c) any expenditure incurred in the discharge of costs under the Act so repealed.

गिमला-2, 8 मई, 1987

क्रमांक एन० एल० आर० (डी) 6-9/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 8 मई, 1987 को अनुमोदित हिमाचल प्रदेश विलेज कामन लैण्डज वैग्टिंग एण्ड युटिलाईजेशन (अपेण्डमेंट) विधेयक, 1987 (1987 का विधेयक संख्यांक 9) को वर्ष 1987 के हिमाचल प्रदेश अधिनियम, संख्यांक 10 के रूप में हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,
कुलदीप चन्द,
सचिव।

Act No. 10 of 1987.

**THE HIMACHAL PRADESH VILLAGE COMMON LANDS VESTING
AND UTILISATION (AMENDMENT) ACT, 1987**

(AS ASSENTED TO BY THE GOVERNOR ON 8TH MAY, 1987)

AN

ACT

*further to amend the Himachal Pradesh Village Common Lands Vesting and
Utilisation Act, 1974 (Act No. 18 of 1974).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the
Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Village Common
Lands Vesting and Utilisation (Amendment) Act, 1987.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force with effect from the date
of commencement of the Himachal Pradesh Village Common Lands Vest-
ing and Utilisation Act, 1974.

2. In section 2 of the Himachal Pradesh Village Common Lands Vesting
and Utilisation Act, 1974 (hereinafter called the principal Act),—

Amendment
of section 2.

(i) after the existing clause (a), the following clauses (aa) and (aaa) shall
be inserted, namely:—

“(aa) “handicapped person” means a crippled or physically or medi-
cally deficient person whose annual income from all sources
does not exceed rupees seven thousand and five hundred and who,
on account of injury, disease or congenital deformity, is sub-
stantially prevented from or is incapable of leading a normal
life or earning full wages for the work in which he is employed;
or obtaining or keeping employment or undertaking work on
his own of a kind in view of that injury, disease or deformity which
work would have suited his age, experience and qualifications.

Explanation.—For the purposes of this clause, a person who has
incurred physical disablement to the extent of fifty per cent or
more shall be deemed to be substantially incapable or disabled
person;”

“(aaa) “houseless person” means a person who owns no house or
a site to construct a house for himself :

Provided that a person whose father is alive or whose annual income
from all sources exceeds Rs. 3,000/- shall not be deemed to be a
houseless person;”;

- (ii) for the sign “;” occurring at the end of clause (c), the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that a person whose father is alive or whose annual income from all sources exceeds Rs. 3000/- shall not be deemed to be a landless person;” and

- (iii) after the existing clause (d), the following clause (dd) shall be added,—

“(dd) “other eligible person” means a person,—

- (i) who, holding land for agricultural purposes less than an acre whether as an owner or a tenant, earns his livelihood principally by manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally;

- (ii) whose father is not alive; and

- (iii) whose annual income from all sources does not exceed Rs. 3000/-;

and shall not include a person who holds a share or a portion of an estate jointly owned or cultivated by two or more persons.”

Amendment
of section
8.

3. For clause (b) of sub-section (1) of section 8, the following clause (b) shall be substituted, namely:—

“(b) the remaining land—

- (i) for allotment to a landless person or any other eligible person; or
(ii) for allotment of site to a handicapped or houseless person for the construction of a house;

under a scheme to be framed by the State Government by notification in the Official Gazette and the allottee shall pay an amount at the rate of forty-eight times of the land revenue and rates and cesses chargeable on the land allotted to him under the said scheme, either in lump sum or in six monthly instalments not exceeding four.”

Savings.

4. Where any allotment of land made under any scheme, framed under the principal Act, is found to be inconsistent with the provisions made in the principal Act, as amended by sections 2 and 3 of this Act, then notwithstanding anything to the contrary contained in any judgement, decree or order of any court, or any other law for the time being in force, it shall be lawful for an officer especially empowered by the State Government for this purpose, to cancel such allotment and take possession of the land so allotted :

Provided that no order under this section shall be passed without affording an opportunity of being heard to the allottee of the land in question.

शिमला-2, 8 मई, 1987

क्रमांक एन० एन० आर० (डी) (6) 10/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन राज्यपाल द्वारा तारीख 8 मई, 1987 को अनुमोदित हिमाचल प्रदेश सीलिंग ओन लेण्ड होल्डिंगज (अमण्डमेंट) विधेयक, 1987 (1987 का 10) को 1987 के हिमाचल प्रदेश अधिनियम संख्या 11 के रूप में राजपत्र, हिमाचल प्रदेश में प्रकाशित करते हैं ।

आदेश द्वारा,
कुलदीप चन्च सुद,
सचिव ।

Act No. 11 of 1987.

**THE HIMACHAL PRADESH CEILING ON LAND HOLDINGS
(AMENDMENT) ACT, 1987**

(AS ASSENTED TO BY THE GOVERNOR ON 8TH MAY, 1987)

AN

ACT

*further to amend the Himachal Pradesh Ceiling on Land Holdings Act, 1972
(Act No. 19 of 1973).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the
Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Ceiling on Land
Holdings (Amendment) Act, 1987.

Short title
and com-
mencement

(2) It shall be deemed to have come into force with effect from the date
of commencement of the Himachal Pradesh Ceiling on Land Holdings Act,
19 of 1973 1972.

2. In section 3 of the Himachal Pradesh Ceiling on Land Holdings Act,
1972 (hereinafter called the principal Act),—

Amendment
of section
3.

(f) after the existing clause (e), the following clauses (ee) and (eee)
shall be inserted, namely :—

“(ee) “handicapped person” means a crippled, or physically or medi-
cally deficient person whose annual income from all sources
does not exceed rupees seven thousand and five hundred and
who, on account of injury, disease or congenital deformity, is
substantially prevented from or is incapable of leading a normal
life or earning full wages for the work in which he is employed
or obtaining or keeping employment or undertaking work on
his own, of a kind in view of that injury, disease or deformity
which work would have suited his age, experience and
qualifications.

Explanation.—For the purposes of this clause, a person who has incurred
physical disablement to the extent of fifty per cent or more shall
be deemed to be substantially incapable or disabled person;

(eee) “houseless person” means a person who owns no house or site
to construct a house:

Provided that a person whose father is alive or whose annual income
from all sources exceeds Rs. 3,000/- shall not be deemed to be a
houseless person;”;

- (ii) for the sign “;” occurring at the end of clause (h), the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that a person whose father is alive or whose annual income from all sources exceeds Rs. 3,000/- shall not be deemed to be a landless person; and

- (iii) after the existing clause (k), the following clause (l) shall be added, namely:—

“(l) “other eligible person” means a person,—

- (i) who, holding for agricultural purposes land less than one acre whether as an owner or a tenant, earns his livelihood principally by manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally ;
- (ii) whose father is not alive; and
- (iii) whose annual income from all sources does not exceed Rs. 3,000/-;

and shall not include a person who holds a share or a portion of an estate jointly owned or cultivated by two or more persons;”.

Amendment
of section
15.

3. For sub-section (2) of section 15 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) The State Government may, by notification in the Official Gazette, frame a scheme for utilising the surplus area vested in the State Government by allotment—

- (a) to a landless person or any other eligible person;
- (b) for allotment of a site to a handicapped or houseless person for the construction of a house ;

and the allottee shall pay amount—

- (i) for the land allotted to him, at the rate of ninety-five times the land revenue plus rates and cesses, thereof; and
- (ii) for building, structure or tube-well, if any, at 50% of the market price of such building, structure or tube-well:

Provided that if the holding or part thereof comprising surplus area is not assessed to land revenue, the land revenue on such land shall be construed to be assessed as on similar land in the estate and if not available in the estate then on the adjoining estate or estates, as the case may be :

Provided further that the waste land shall be treated as ‘banjar’ land for the purposes of assessment of land revenue and determination of the amount.”

Insertion of
section 15-A.

4. After section 15 of the principal Act, the following new section 15-A shall be inserted, namely:—

“15-A. Utilisation of land for development of the State.—Notwithstanding anything contained in section 15 of the Act, the State Government may utilize any area of the land vested in it under

this Act by lease to any person or by transfer to any Department of the Government in the interests of the development of the State, if the State Government is satisfied that there are sufficient reasons to do so:

Provided that when land is not used by a person for the purpose for which it has been leased, the lease shall stand terminated free from all encumbrances and the Government shall re-enter on the demised premises, and the lease money, if paid to the Government, shall be forfeited and no person shall be entitled to any compensation for any improvement made and for any building constructed thereon."

5. Where any allotment of land made under any scheme, framed under the principal Act, is found to be inconsistent with the provisions made in the principal Act, as amended by sections 2 and 3 of this Act, then notwithstanding anything to the contrary contained in any judgment, decree or order of any court; or any other law for the time being in force, it shall be lawful for an officer especially empowered by the State Government in this behalf, to cancel such allotment and take possession of the land so allotted: Savings.

Provided that no order under this section shall be passed without affording an opportunity of being heard to the allottee of land in question.

शिमला-2, 8 मई, 1987

क्रमांक एन० एल० आर० (डी०) (6)-11/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान : अनुच्छेद 200 : प्रसारित दत्त शक्तियों का प्रयोग करते हुए तारीख 8 मई, 1987 को अनुमोदित। हिमाचल प्रदेश एपोकल्प्स प्रोड्यूस मार्किटिंग (प्रमैन्डमेंट) विधेयक, 1987 (1987 का विधेयक सं० 12) को वर्ष 1987 के हिमाचल प्रदेश अधिनियम संख्यांक 14 के रूप में हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं।

आदेश द्वारा,
कुलदीप चन्द सूद,
सचिव।

(c) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The Chairman of the Board may resign by tendering his resignation to the State Government and a member, other than the Chairman, of the Board may resign from membership by tendering his resignation to the State Government through the Chairman of the Board and the seat of such Chairman or the member, as the case may be, shall become vacant on the date of acceptance of his resignation.”;

(d) after sub-section (7), the following sub-section (7-A) shall be added, namely:—

“(7-A) Subject to the rules made under this Act, the Board may, with the approval of the State Government, frame bye-laws for—

- (a) regulating the transaction of business at its meeting;
- (b) assignment of duties and powers of the Board to its Chairman, Secretary or persons employed by it; and
- (c) such other matters which are to be or may be prescribed under the bye-laws.”;

(e) for the words “Four members” occurring in the beginning of sub-section (8), the words “One-third of the total members” shall be substituted;

(f) for the word “Central” occurring in sub-section (11), the word “State” shall be substituted; and

(g) in clause (12),—

(i) after the words “functions of the Board”, the words “and of its Chairman” shall be inserted;

(ii) for the sign “.” occurring at the end, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the Board shall be constituted within six months from the date of its suspension”.

Addition of
sections 3-A
and 3-B.

4. After section 3 of the principal Act, the following new sections 3-A and 3-B shall be added, namely:—

“3-A. *The Chairman and his term of office etc.*—(1) The State Government shall appoint any of the members of the Board to be its Chairman who shall perform such duties and exercise such powers as may be assigned to or conferred upon him.

(2) The term of office of the Chairman appointed under sub-section (1) shall, unless the State Government otherwise directs, be coterminus with the term of the non-official members of the Board and he shall be paid such remuneration and allowances as may, from time to time, be fixed by the Government.

(3) Notwithstanding the expiration of the term mentioned in sub-section (2), the Chairman shall continue to hold office until the vacancy caused by the expiration of the term has been filled up :

Provided that no vacancy shall be allowed to remain unfilled for more than 6 months.

- (4) Whenever there is a temporary vacancy in the office of the Chairman, the Government may appoint another member of the Board to the Board to act as the Chairman during the period of such vacancy and shall pay to him such remuneration and allowances as may be fixed by it.

3-B. *Supersession of the Board.*—(1) If at any time the State Government is satisfied that the Board is incompetent to perform or persisten defaults in performing the duties imposed on it by or under this Act, or abuses the powers conferred on it, the State Government may, by notification, supersede the Board:

Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the Board to make representation against the proposed supersession and shall consider the representation, if any, of the Board.

(2) When the Board is superseded under the provisions of sub-section (1),—

- (a) all the members including the Chairman of the Board, notwithstanding that their term of office has not expired, shall, from the date of supersession, vacate their offices as such members or the Chairman, as the case may be ;
- (b) all the powers and duties of the Board shall, during the period of supersession, be exercised and performed by such persons as the State Government may appoint in this behalf and their remuneration shall be such as may be fixed by the Government ;
- (c) all funds and other properties vested in the Board shall, during the period of supersession, vest in the State Government; and
- (d) as soon as the period of supersession expires, the Board shall be reconstituted in accordance with the provisions of this Act."

5. For the words and brackets "the trained Agricultural Inspectors (Marketing)", occurring in sub-section (1) of section 18 of the principal Act, the words "its officers trained in agricultural marketing, not below the rank of an *Agriculture Inspector*", shall be substituted.

Amendment
of section
18.

6. For sub-section (1) of section 23 of the principal Act, the following sub-section shall be substituted, namely :—

Amendment
of section
23.

"(1) All receipts of the Board shall be credited into a fund to be called the Himachal Pradesh Marketing Board Fund and all expenditure incurred by the Board shall be defrayed out of said fund which shall be operated upon in such manner as may be prescribed.

7. In sub-section (2) of section 33 of the principal Act,—

(a) after clause (ii), the following clause (ii-a) shall be added, namely:—

"(ii-a) the powers to be exercised and duties to be performed by the Chairman of the Board and the remuneration and allowances to be paid

(b) in clause (xxvi) before the word "members", the word and sign "Chairman," shall be inserted; and

(c) after clause (xxvi) so amended, the following clause (xxvi-a) shall be added, namely:—

"(xxvi-a) operation of the Himachal Pradesh Marketing Board Fund;"

शिमला-2, 8 मई, 1987

क्रमांक एल0 एल0 आर0 (डी) (6) 15/87-लैजिस.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 4 मई, 1987 को अनुमोदित हिमाचल प्रदेश विनियोग (संख्या 3) विधेयक, 1987 (1987 का विधेयक संख्या 6) को वर्ष 1987 के हिमाचल प्रदेश अधिनियम संख्यांक 8 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके प्राधिकृत पाठ सहित, हिमाचल प्रदेश राजपत्र में प्रकाशित करते हैं ।

आदेश द्वारा,
कुलदीप चन्द सूद,
सचिव ।

अनुसूची

(धाराएं 2 और 3 देखें)

1	2	3		
		निम्नलिखित राशियों से अनधिक		
मांग संख्या	सेवाएं और प्रयोजन	विधान सभा द्वारा दत्तमत	संचित निधि पर प्रभारित	जोड़
2	राज्यपाल तथा मन्त्रिपरिषद् (राजस्व)	6,32,281	—	6,32,281
5	भू-राजस्व (पूजी)	1,40,400	—	1,40,400
6	आवकारी तथा कराधान (राजस्व)	91,274	—	91,274
8	शिक्षा, कला तथा संस्कृति एवं वज्ञानिक अनुसंधान (राजस्व)	2,29,07,647	—	2,29,07,647
	(पूजी)	21,52,069	—	21,52,069
10	लोक निर्माण (राजस्व)	12,72,84,093	—	12,72,84,093
12	लघु सिंचाई (राजस्व)	1,84,05,271	—	1,84,05,271
	(पूजी)	10,12,779	—	10,12,779
13	भूमि तथा जल संरक्षण (पूजी)	96,543	—	96,543
16	वन (राजस्व)	35,57,832	—	35,57,832
	(पूजी)	5	—	5
17	सड़कें तथा पुल (राजस्व)	1,21,44,608	—	1,21,44,608
	(पूजी)	1,37,66,652	—	1,37,66,652
20	जन स्वास्थ्य, स्वच्छता एवं जल आपूर्ति (पूजी)	3,99,030	—	3,99,030
26	लेखन सामग्री तथा मुद्रण (पूजी)	5,48,031	—	5,48,031
28	पर्यटन (पूजी)	3,498	—	3,498
29	श्रम तथा रोजगार (राजस्व)	1,60,936	—	1,60,936
30	आवास (राजस्व)	10,57,823	—	10,57,823
32	अन्य प्रशासनिक सेवाएं (पूजी)	38,32,553	—	38,32,553
33	वित्त (राजस्व)	1,36,21,257	—	1,36,21,257
	(पूजी)	—	9,57,46,834	9,57,46,834
35	जन जातीय विकास (राजस्व)	1,17,61,898	—	1,17,61,898
	जोड़	23,35,76,480	9,57,46,834	32,93,23,314

[Authoritative English text of the Himachal Pradesh Viniyog (Sankhya 3) Adhiniyam, 1987 (1987 ka Adhiniyam Sankhyank 6) as required under Clause (3) of Article 348 of the Constitution of India].

Act No. 8 of 1987.

THE HIMACHAL PRADESH APPROPRIATION (NO. 3) ACT, 1987

(AS ASSENTED TO BY THE GOVERNOR ON 4TH MAY, 1987)

AN

ACT

to provide for the authorisation of appropriation of certain amount out of the Consolidated Fund of the State of Himachal Pradesh to meet the amount spent on certain services for the financial year 1984-85 in excess of the amount authorised or granted for those services for that year.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Appropriation (No. 3) Act, 1987. Short title.

2. From and out of the Consolidated Fund of the State of Himachal Pradesh, the sums specified in column (3) of the Schedule amounting in the aggregate to the sum of Rs. 32,93,23,314 (thirty-two crores, ninety-three lakhs, twenty-three thousand, three hundred and fourteen rupees) shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the Schedule during the financial year 1984-85 in excess of the amount authorised or granted for these services and for that year.

Authorisation of a further sum of Rs. 32,93,23,314 out of the Consolidated Fund of the State of Himachal Pradesh to meet certain expenditure for the year 1984-85.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Himachal Pradesh under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year 1984-85.

Appropriation.

THE SCHEDULE

(See sections 2 and 3)

1	2	3	Sums not exceeding	
Number of Demand	Services and purposes	Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
2	Governor and Council of Ministers (Revenue)	6,32,281	—	6,32,281
5	Land Revenue (Capital)	1,40,400	—	1,40,400
6	Excise and Taxation (Revenue)	91,274	—	91,274
8	Education, Art and Cultural Affairs (Revenue) and Scientific Research (Capital)	2,29,07,647 21,52,069	— —	2,29,07,647 21,52,069
10	Public Works (Revenue)	12,72,84,093	—	12,72,84,093
12	Minor Irrigation (Revenue) (Capital)	1,84,05,271 10,12,779	— —	1,84,05,271 10,12,779
13	Soil and Water Conservation (Capital)	96,543	—	96,543
16	Forest (Revenue) (Capital)	35,57,832 5	— —	35,57,832 5
17	Roads and Bridges (Revenue) (Capital)	1,21,44,608 1,37,66,652	— —	1,21,44,608 1,37,66,652
20	Public Health, Sanitation and Water Supply (Capital)	3,99,030	—	3,99,030
26	Stationery and Printing (Capital)	5,48,031	—	5,48,031
28	Tourism (Capital)	3,498	—	3,498
29	Labour and Employment (Revenue)	1,60,936	—	1,60,936
30	Housing (Revenue)	10,57,823	—	10,57,823
32	Other Administrative Services (Capital)	38,32,553	—	38,32,553
33	Finance (Revenue) (Capital)	1,36,21,257 —	— 9,57,46,834	1,36,21,257 9,57,46,834
35	Tribal Development (Revenue)	1,17,61,898	—	1,17,61,898
Total		23,35,76,480	9,57,46,834	32,93,23,314